

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOY PRUE

Plaintiff

Case No. 1:13-cv-1280

vs.

HUDSON FALLS POST NO. 574
THE AMERICAN LEGION
DEPARTMENT OF NEW YORK,

Defendants.

DECLARATION OF DALE J. MORGADO

I, Dale J. Morgado, being over the age of 18 and competent to testify, make the following declaration under 28 U.S.C. § 1746:

1. During the course of this action, I was an equity shareholder with the law firms represented the Plaintiff, i.e., Feldman Morgado, P.A. then Morgado, P.A. I was lead trial counsel of record for the Plaintiff in the above captioned case. As counsel in this matter, I am intimately familiar with the role of firms and legal personnel in this litigation.
2. Feldman Morgado and then Morgado PA were both multi-office firms with offices in New York City, Jacksonville, Philadelphia, Tampa, and Miami. My role was the managing shareholder of the firm's New York and Miami offices. I managed both staff and associate attorneys, about 45 altogether. I also co-

manage the firm's complex and class action litigation practice group, based in the firm's New York office.

3. I have regularly handled FLSA actions (other than the above matter) both single plaintiff and collective actions. While I do not know the exact number of FLSA cases I have handled, it is in the hundreds.
4. I also serve as a contributing editor to the American Bar Associations Second Edition, ABA/BNA Fair Labor Standards Act Treatise, most recently serving as a contributing editor for the 2013, 2014, and 2015 mid-year publications, which supplement the principal treatise.
5. I also routinely practice in other high-stakes complex litigation, i.e., under R.I.C.O., the False Claims Act and E.R.I.S.A.
6. I began my legal career in 1999, as a law clerk, and was first licensed to practice law ten years ago, *i.e.* in 2007. I am also admitted in a number of other bars and courts including the United States Supreme Court, the state of Florida, the Southern, Middle, and Northern Districts of Florida, the Eastern and Western Districts of Michigan, the District of Connecticut, District of Colorado, the State of New York, the Southern, Northern, Eastern and Western Districts of New York, the state of Connecticut, the Eastern District of Illinois, the Southern District of Texas, the U.S. Tax Court, the Third Circuit Court of Appeals, Second Circuit Court of Appeals, and Eleventh Circuit Court of Appeals, among others.

I have litigated at both the district and appellate levels, and briefed cases before the Supreme Court of the United.

7. I attended Suffolk University, Harvard University, the University of Massachusetts, and the University of Connecticut, School of Law. I received my bachelors in business administration from Suffolk University; an MBA from the University of Massachusetts; and a JD from the University of Connecticut, in the same year I was first admitted to the state bar of Connecticut.
8. I founded Feldman Morgado and Morgado PA with a fellow shareholder in 2009, after working for the 170-lawyer Florida based firm of Gunster Yoakley & Stewart in its *Chambers*-recognized tax, ERISA and employee benefit practice group and, before that, the nationally-recognized ERISA class action plaintiffs' firm, f/k/a Moukawsher & Walsh.
9. I regularly charge between \$350 and \$500 per hour for my legal services. In FLSA cases like the one at bar, I regularly charge defense clients \$400.00 per hour. Indeed, I handle both plaintiff and defense FLSA cases and \$400.00 per hour is my regular hourly rate I charge to clients paying an hourly fee.
10. I am also familiar with the billing rates of Florida and New York attorneys and hourly rates for the attorneys that worked on this file and their requested rates are consistent with the rates of attorneys with their experience in the cities and geographical locations they reside and practice in, i.e., Miami and New York.

11. The Plaintiff is requesting her counsel be paid a fee award to be paid by the Defendant be based on the firm's standard hourly rates. The firm's rates are based, in part, on market research regarding the hourly rates charged by firms of comparable size and expertise in the respective legal markets where they practice. The rates charged are in line with the market rates.
12. It was and is the regular practice of Feldman Morgado then Morgado PA to create and keep time records for their FLSA cases, reflecting the services rendered, the dates when the work was performed, and the amount of time expended on such services (in six-minute intervals). The information in these time records is expected to be recorded contemporaneously or shortly after services are performed by each attorney or other professional providing the service. The firm relies on such time records in rendering monthly bills to any hourly clients as well. The hours spent handling this litigation were recorded in the above manner even though the matter was handled on a contingency basis.
13. This litigation spanned approximately 3 years, beginning with initial client consultations in 2011.
14. I have knowledge about the qualifications of the timekeepers for which my firm is seeking fees and who have not provided a declaration in this matter. They are as follows:
 - a. Attorney Edward Rosenberg: Attorney Rosenberg received his B.A. from

Rider University in 2006, and obtained his J.D. from Florida International University School of Law in 2009. He is admitted to practice in the state courts of Florida (2011) and New Jersey (2010), along with the United States District Courts for the District of New Jersey (2010), Southern District of Florida (2012), the Middle District of Florida (2012), the District of Colorado (2012), and the Eastern District of Michigan (2013). The Southern District of Florida has approved Attorney Rosenberg's hourly rate of \$350.00. *See Castaneda v. Florida Solar & Air, Inc., et al.*, 1:14-cv-21007 (S.D. Fla. 2014). He is a non-equity shareholder with the firm and aides me in the management of the firm's Miami office.

- b. Attorney Michael Minkoff: Attorney Minkoff received his B.A. from Boston College in 2009, and obtained his J.D. from The George Washington University Law School in 2013. He is admitted to practice in the states of New Jersey and New York (2013), and in the United States Federal Court for the District of New Jersey (2013), the Southern District of New York (2014), and the Northern District of New York (2014). The Southern District of New York has approved Attorney Minkoff's hourly rate of \$250. *See Ramos v. Divine Construction, et al.*, 7:14-cv-00011, S. D.N.Y. (2014). Mr. Minkoff is an associate in the firm's Complex Litigation Practice Group.

- c. Priscilla Maldonado: Ms. Maldonado is currently a paralegal and held the position of legal assistant during the course of this litigation.
 - d. Gabrielle Petroka: Ms. Petroka held the position of Paralegal with the firm during this litigation. She is no longer with the firm.
 - e. Monica Maura: Ms. Maura held the position of paralegal and held the position of legal assistant during the course of this litigation.
 - f. Ashley Rios: Ms. Rios held the position of legal assistant and paralegal for the firm during the course of this litigation.
15. As explained above, the work that my office performed in connection with this litigation was both reasonable and necessary in light of the complexity and importance of the issues in this case. It is my professional belief that the fees charged to the Defendant in this case are reasonable.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and ability.

Dated: August 8, 2016
New York, New York

/s/Dale Morgado
Dale J. Morgado